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ACACIA RESEARCH GROUP, LLC

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 FLATWORLD INTERACTIVES, LLC,

15 Plaintiff,

16 vs.

17 APPLE INC,

18 Defendant.

Case No. 3:12-01956-WHO (EDL)

**DECLARATION OF JONATHAN TAUB
IN SUPPORT OF APPLE'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE UNDER SEAL CERTAIN
EXHIBITS TO AND PORTIONS OF ITS
MEMORANDUM IN SUPPORT OF ITS
FIRST MOTION TO COMPEL**

1 I, JONATHAN TAUB, declare as follows:

2 1. I am Executive Vice President of Business Development of third party Acacia
3 Research Group, LLC ("Acacia"). Acacia acquires, develops, licenses and enforces patented
4 technologies. My primary function is business development. I make this declaration in support
5 of Apple's Administrative Motion for Leave To File under Seal Certain Exhibits to And Portions
6 of Its Memorandum in Support of Its First Motion To Compel (ECF No. 225). Specifically, I
7 make this declaration in support of sealing: (i) Exhibits 25, 26, and 27 to the Declaration of John
8 K. Blake, Jr. in Support of Apple's First Motion to Compel Discovery (the "Blake Declaration")
9 (ECF No. 225-4); and (ii) the portions of Apple's Memorandum in Support of its First Motion to
10 Compel Discovery that reference Exhibits 25, 26, and 27 (ECF No. 225-2). I have personal
11 knowledge of the matters stated in this Declaration and I could and would testify competently
12 thereto if called to do so.

13 2. Exhibits 25, 26 and 27 to the Blake Declaration constitute confidential,
14 proprietary and commercially sensitive information, including confidential business plans,
15 strategies, structures and trades secrets, that Acacia has designated "CONFIDENTIAL" under
16 the Stipulated Protective Order dated December 6, 2012 (ECF No. 59). In particular, Exhibits
17 25, 26 and 27 are confidential communications between Acacia and FlatWorld that relate to: (1)
18 Acacia's methods and models for structuring legal relationships with business partners; (2)
19 Acacia's processes and timing strategies for strengthening a patent's licensing and enforcement
20 potential; (3) Acacia's contractual terms and formulas for sharing licensing proceeds with
21 business partners; and (4) Acacia's negotiations with FlatWorld relating to the above topics.

22 3. Acacia is committed to keeping such information confidential for its own business
23 purposes and for the confidentiality of its business partners. To this end, Acacia uses reasonable
24 efforts to maintain the secrecy of this type of information, including limiting access to this
25 information to those individuals within Acacia that are responsible for business development and
26 licensing activities, as well as limiting access to this information outside Acacia through the use
27 of non-disclosure and confidentiality agreements with business partners.

4. Because Acacia keeps this information confidential, the Exhibits should not be part of the public record. If this information were made part of the public record, it would cause harm to Acacia because competing patent licensing firms would become aware of Acacia's confidential business plans and strategies and would have a blueprint that Acacia has spent years developing, thereby destroying Acacia's competitive advantage. If made public, this information would also harm Acacia's ability to gain future business from current and potential business partners because of damaged trust and confidence. Furthermore, once Acacia's information enters the public realm there is no way for Acacia to minimize the competitive damage it will suffer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 21 day of October, 2013, in Newport Beach, California.


JONATHAN TAUB

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2013, I caused the following document:

**DECLARATION OF JONATHAN TAUB IN SUPPORT OF APPLE'S
ADMINISTRATIVE MOTION FOR LEAVE TO FILE UNDER SEAL
CERTAIN EXHIBITS TO AND PORTIONS OF ITS MEMORANDUM IN
SUPPORT OF ITS FIRST MOTION TO COMPEL**

To be electronically filed with the Court using the CM/ECF system, which will send notification of the filing to all participants in the case who are registered CM/ECF users.

/s/ Aaron Humes

AARON HUMES